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Frederick Murray Burg

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HASHEM, LISA

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/828,397	Applicant(s) BURG, FREDERICK MURRAY	
	Examiner LISA HASHEM	Art Unit 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 June 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17, 19-32 and 34-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17, 19-32 and 34-41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

FINAL DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 6-29-09 have been fully considered but they are not persuasive. Applicant argues that the prior art cited in the last outstanding office action, Stephens, does not teach '...sending at least one of an instant message and an e-mail to the caller network device after attempting to connect the called network device to the caller network device and in response to the first connection signal not being received from the called network device...' recited in independent claims 1, 20, and 32. Examiner disagrees.

Stephens discloses detecting whether a first connection signal (i.e. successful connection; off-hook from called device when delivery attempt is made according to time indicated by calling party) is received from the called network device (col. 9, lines 39-45; col. 10, lines 32-44); sending a second alerting signal (i.e. ringing to the caller) to the caller network device automatically by the server (i.e. speech processor; Fig. 1, 16) at the time included in the text-based message associated with the arrangement (i.e. time when called party successfully receives designated callback) (col. 6, lines 31-33; col. 7, line 64 – col. 8, line 2) and using the caller information (i.e. setting up a call to the calling party) (col. 9, line 49 – col. 10, line 19); detecting whether a second connection signal (i.e. successful call to the calling party telephone when called party wishes to call back the calling party after successful delivery attempt of initial voice message left by calling party to the called party occurs) is received from the caller network device (col. 9, line 66 – col. 10, line 19); attempting to connect the called network device to the caller network device in response to the

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second connection signal (i.e. successful answering the call by calling party) (col. 9, line 66 – col. 10, line 19); and

sending at least one of an instant message (i.e. recorded message by called party) and an e-mail to the caller network device after attempting to connect the called network device to the caller network device (i.e. recording of a reply by the called party for later access by the calling party when calling party is unavailable) and in response to the first connection signal not being received from the called network device (i.e. wherein a callback is initiated and further delivery attempts are made if a delivery failure occurs at the called network device) (col. 9, line 66 – col. 10, line 19; col. 10, lines 32-45).

Applicant argues that Stephens does not disclose ‘...a time is arranged, at which each party is automatically called in response to the text-based message being received prior to an attempt to make a telephone call; and an instant message or e-mail to be sent to the caller network device when a first connection signal is not received from the called network device and the attempt to connect the caller network device with the called network device fails...’. However, these limitations are not recited in the claims.

2. Applicant has not indicated clearly in sequence when the following occur: first alerting signal, first connection signal, second alerting signal, and second connection signal.

3. Thus, the prior art teaches the claimed invention.

Claim Objections

4. Claim 34 is objected to because of the following informalities: Claim 33 is cancelled, however claim 34 still depends on claim 33. Examiner assumes claim 34 depends on claim 32.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claim 1 recites the limitation "the server" in line 12. There is insufficient antecedent basis for this limitation in the claim.

7. Claim 1 recites the limitation "the time included in the text-based message" in line 13. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1-17, 19, 32, and 34-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 6,259,772 by Stephens et al, hereinafter, Stephens in view of U.S. Pat. Appl. Publ. No. 2003/0009530 by Philonenko et al, hereinafter Philonenko (prior art cited by Applicant in IDS filed on 4-20-04).

Regarding claim 1, Stephens discloses a method of arranging a telephone call (col. 3, line 29 – col. 4, line 61; col. 5, lines 1-57), comprising:
receiving, from the local exchange processor, a text-based message (col. 5, lines 4-14) (i.e. receiving a message (Fig. 7: 1300) at trunk exchange in Fig. 1, 14a; col. 5, lines 25-28) having caller information associated with a caller network device (Fig. 1, 10a; col. 2, lines 47-58; i.e. DTMF phone) and called endpoint information associated with a network device (Fig. 1, 10b) to

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be called; initiating an arrangement of the telephone call (col. 5, lines 4-15) prior to an attempt to call the network device in response to receiving the text-based message, the arrangement being associated with a time to initiate the telephone call (col. 6, lines 9-20 and lines 31-33; col. 7, line 64 – col. 8, line 2); sending a first alerting signal (i.e. call attempt) to the network device to be called at the time associated with the arrangement (col. 6, lines 31-33; col. 7, line 64 – col. 8, line 2) using the called endpoint information (col. 8, line 49 – col. 10, line 23), the network device to be called becoming a called network device in response to the first alerting signal being sent (col. 8, lines 62-65);

detecting whether a first connection signal (i.e. successful connection; off-hook from called device when delivery attempt is made according to time indicated by calling party) is received from the called network device (col. 9, lines 39-45; col. 10, lines 32-44);

sending a second alerting signal (i.e. ringing to the caller) to the caller network device automatically by the server (i.e. speech processor; Fig. 1, 16) at the time included in the text-based message associated with the arrangement (i.e. time when called party successfully receives designated callback) (col. 6, lines 31-33; col. 7, line 64 – col. 8, line 2) and using the caller information (i.e. setting up a call to the calling party) (col. 9, line 49 – col. 10, line 19);

detecting whether a second connection signal (i.e. successful call to the calling party telephone when called party wishes to call back the calling party after successful delivery attempt of initial voice message left by calling party to the called party occurs) is received from the caller network

device (col. 9, line 66 – col. 10, line 19);

attempting to connect the called network device to the caller network device in response to the second connection signal (i.e. successful answering the call by calling party) (col. 9, line 66 – col. 10, line 19); and

sending at least one of an instant message (i.e. recorded message by called party) and an e-mail to the caller network device after attempting to connect the called network device to the caller network device (i.e. recording of a reply by the called party for later access by the calling party when calling party is unavailable) and in response to the first connection signal not being received from the called network device (i.e. wherein a callback is initiated and further delivery attempts are made if a delivery failure occurs at the called network device) (col. 9, line 66 – col. 10, line 19; col. 10, lines 32-45).

Stephens discloses receiving a text-based message from a local exchange processor having caller information and called endpoint information. However, Stephens does not disclose receiving, from the caller network device, a text-based message.

Philonenko discloses a method of arranging a telephone call (i.e. callback; section 0063; Fig. 2), comprising:
receiving, from the caller network device (i.e. user's PC or mobile phone) (section 0045-0046; 0102), a text-based message (i.e. call back preference information) having caller information (i.e. user's callback preferences) associated with a caller network device (section 0102) and called

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endpoint information (i.e. calling an available agent) associated with a network device (i.e. agent's workstation or telephone; Fig. 1: 27, 29, 31, 39, 41, 37) to be called (section 0063; 0138); initiating an arrangement of the telephone call prior to an attempt to call the network device in response to receiving the text-based message, the arrangement being associated with a time to initiate the telephone call (section 0093; 0116; 0138);

 sending a first alerting signal (i.e. ringing to the caller) to the caller network device at the time associated with the arrangement and using the caller information (section 0093; 0138); detecting whether a first connection signal (i.e. calling party telephone available to establish call) is received from the caller network device;

 sending a second alerting signal to the network device (i.e. agent's workstation or telephone) to be called automatically by the server (i.e. callback server or communications center; section 0093; 0116) at the time associated with the arrangement (section 0093; 0116; 0138) using the called endpoint information (section 0063; 0138), the network device to be called becoming a called network device in response to the second alerting signal being sent (section 0093);

 detecting whether a second connection signal (i.e. successful connection; off-hook from called device) is received from the called network device (section 0116);

and

 attempting to connect the called network device to the caller network device in response to the second connection signal (section 0093; 0116).

Again, Stephens discloses the claimed method except Stephens discloses receiving a text-based message from a local exchange processor having caller information and called endpoint

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information rather than receiving, from the caller network device, a text-based message.

However, the claimed feature of receiving, from the caller network device, a text-based message was old and well known in the art. Philonenko clearly teaches such concept.

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Stephens to include receiving, from the caller network device, a text-based message as taught by Philonenko. In other words, one of ordinary skill in the art would have been lead to make such a modification of Stephens to disclose receiving, from the caller network device, a text-based message, such as the caller network device (i.e. user's PC or mobile phone) creating a text-based message of Philonenko to the caller network device (i.e. DTMF phone) of Stephens so the user of Stephens can send a telephone call request in text to arrange a telephone call beforehand rather than the user remembering to attempt to call a called party at a specified time.

Regarding claim 2, the method of Claim 1, wherein Stephens in view of Philonenko discloses including: establishing a session; and recalling saved caller information based upon the session (Stephens: col. 9, lines 39-49; Philonenko: section 0093; 0138).

Regarding claim 3, the method of Claim 1, wherein Stephens in view of Philonenko discloses including receiving a confirmation message indicating a successful connection to at least one of the called network device and the caller network device (Stephens: col. 10, lines 24-64; Philonenko: section 0093).

Regarding claim 4, the method of Claim 1, wherein Stephens discloses the message further includes time information, and the sending the first alerting signal, the detecting if the first connection signal is received, the connecting to the called network device, the sending the

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second alerting signal, the detecting if the second connection signal is received, and the connecting the called network device to the caller network device are performed at a time identified in the time information (col. 6, lines 31-33; col. 7, line 46 – col. 9, line 45; col. 10, lines 24-49).

Regarding claim 5, the method of Claim 1, wherein Stephens discloses the caller information includes at least one of a caller telephone number, a caller text description, a caller E-mail address, a caller login name, a caller network address, and a session identifier (col. 5, lines 4-14).

Regarding claim 6, the method of Claim 1, wherein Stephens discloses the called endpoint information includes at least one of a called telephone number, a called endpoint text description, a called endpoint E-mail address, a called endpoint network address (col. 5, lines 4-14 and lines 42-46).

Regarding claim 7, the method of Claim 1, wherein Stephens discloses including decoding the called endpoint information to provide a called telephone number (col. 8, line 49 – col. 9, line 60).

Regarding claim 8, the method of Claim 1, wherein Stephens discloses including decoding the caller information to provide a caller telephone number (col. 9, line 66 – col. 10, line 5).

Regarding claim 9, the method of Claim 1, wherein Stephens discloses including retrieving a called telephone number associated with the called endpoint information (col. 5, lines 4-14; col. 6, line 46 – col. 7, line 25).

Regarding claim 10, the method of Claim 1, wherein Philonenko discloses the message includes at least one of an instant message and an E-mail (section 0090).

Regarding claim 11, the method of Claim 1, wherein Stephens discloses including sending a voice message to the called network device in response to the first connection signal being received from the called network device (col. 5, lines 48-57).

Regarding claim 12, the method of Claim 1, wherein Stephens discloses including sending a voice message (i.e. conversation between caller and called party) to the caller network device in response to the second connection signal being received from the caller network device (col. 9, line 66 – col. 10, line 11).

Regarding claim 13, the method of Claim 1, wherein Stephens discloses including: terminating the sending of the first alerting signal to the called network device in response to the first connection signal not being received from the called network device (col. 9, lines 5-38).

Regarding claim 14, the method of Claim 13, wherein Stephens discloses including: retrying sending the first alerting signal to the called network device (col. 9, lines 5-38).

Regarding claim 15, the method of Claim 1, wherein Stephens discloses including: terminating the sending of the second alerting signal to the caller network device in response to the second connection signal not being received from the caller network device (col. 10, lines 6-11).

Regarding claim 16, the method of Claim 15, wherein Stephens discloses including: retrying sending the second alerting signal to the caller network device (col. 10, lines 6-11).

Regarding claim 17, the method of Claim 1, wherein Stephens discloses including sending a voice message to the called network device in response to the second connection signal not being received from the caller network device and the first connection signal being received from the called network device (col. 10, lines 6-18; col. 11, line 50 – col. 12, line 4).

Regarding claim 19, the method of Claim 1, wherein Stephens in view of Philonenko further discloses the caller network device is selected from a telephone and an Internet telephony device (Stephens: Fig. 1, 10a; DTMF phone; Philonenko: user's PC or mobile phone; section 0045-0046; 0102) and the called network device is selected from a telephone and an Internet telephony device (Stephens: Fig. 1, 10b; col. 2, lines 47-58; Philonenko: agent's workstation or telephone; Fig. 1: 27, 29, 31, 39, 41, 37; section 0063; 0138).

Regarding claim 32, Stephens discloses a system for arranging a telephone call, comprising:
a server (Fig. 1, 12a) adapted to receive, from the local exchange processor, a text-based message (col. 5, lines 4-14) (i.e. receiving a message (Fig. 7: 1300) at trunk exchange in Fig. 1, 14a; col. 5, lines 25-28) having caller information (Fig. 7, 1304) associated with a caller network device (Fig. 1, 10a; col. 2, lines 47-58; i.e. DTMF phone) and called endpoint information (Fig. 7, 1306) associated with a network device (Fig. 1, 16; Fig. 3, 16) to be called, receipt of the text-based message initiating an arrangement of the telephone call prior to an attempt to call the network device, the arrangement being associated with a time to initiate the telephone call (col. 6, lines 9-20 and lines 31-33; col. 7, line 64 – col. 8, line 2) and the server being adapted to attempt to connect the telephone call in accordance with the arrangement, the caller information, and the called endpoint information (col. 5, lines 4-46; (col. 6, lines 9-20 and lines 31-33; col. 7,

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line 64 – col. 8, line 2; col. 10, lines 24-64); a gateway (Fig. 1, 14) coupled to the server and to a telephony network (Fig. 1) for providing communications from the server to the telephony network, wherein at least one of the gateway and the server is adapted to send alerting signals (i.e. ring signals) to the network device to be called and to the caller network device in response to the arrangement initiated by the text-based message, the network device to be called becoming a called network device in response to one of the alerting signals being sent to the network device to be called and at least one of the gateway, and wherein the server is further adapted to detect connection signals (i.e. off hook) from the caller network device and from the called network device (col. 5, lines 4-46; col. 9, line 66 – col. 10, line 19) and send at least one of an instant message (i.e. recorded message by called party) and an e-mail to the caller network device after attempting to connect the called network device to the caller network device (i.e. recording of a reply by the called party for later access by the calling party when calling party is unavailable) and in response to the first connection signal not being received from the called network device (i.e. wherein a callback is initiated and further delivery attempts are made if a delivery failure occurs at the called network device) (col. 9, line 66 – col. 10, line 19; col. 10, lines 32-45).

Stephens discloses receiving a text-based message from a local exchange processor having caller information and called endpoint information. However, Stephens does not disclose receiving, from the caller network device, a text-based message.

Philonenko discloses a method of arranging a telephone call (i.e. callback; section 0063; Fig. 2), comprising:

a server (i.e. callback server; section 0093) receiving, from the caller network device (i.e. user's

PC or mobile phone) (section 0045-0046; 0102), a text-based message (i.e. call back preference information) having caller information (i.e. user's callback preferences) associated with a caller network device (section 0102) and called endpoint information (i.e. calling an available agent) associated with a network device (i.e. agent's workstation or telephone; Fig. 1: 27, 29, 31, 39, 41, 37) to be called (section 0063; 0138), initiating an arrangement of the telephone call prior to an attempt to call the network device in response to receiving the text-based message, the arrangement being associated with a time to initiate the telephone call (section 0093; 0116; 0138) and the server being adapted to attempt to connect the telephone call in accordance with the arrangement, the caller information, and the called endpoint information (section 0063; 0093);

wherein the server is adapted to send alerting signals (i.e. ring signals) to the network device to be called and to the caller network device in response to the arrangement initiated by the text-based message, the network device to be called becoming a called network device in response to one of the alerting signals being sent to the network device to be called and at least one of the gateway and the server is further adapted to detect connection signals from the caller network device and from the called network device (section 0093; 0116).

Again, Stephens discloses the claimed system except Stephens discloses receiving a text-based message from a local exchange processor having caller information and called endpoint information rather than receiving, from the caller network device, a text-based message. However, the claimed feature of receiving, from the caller network device, a text-based message was old and well known in the art. Philonenko clearly teaches such concept.

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Stephens to include receiving, from the caller

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network device, a text-based message as taught by Philonenko. In other words, one of ordinary skill in the art would have been lead to make such a modification of Stephens to disclose receiving, from the caller network device, a text-based message, such as the caller network device (i.e. user's PC or mobile phone) creating a text-based message of Philonenko to the caller network device (i.e. DTMF phone) of Stephens so the user of Stephens can send a telephone call request in text to arrange a telephone call beforehand rather than the user remembering to attempt to call a called party at a specified time.

Regarding claim 34, the system of Claim 33, wherein Stephens discloses the gateway is adapted to connect the server to one or more of the called network device and the caller network device, and the gateway is still further adapted to connect the called network device to the caller network device (col. 5, lines 4-46; col. 10, lines 24-64).

Regarding claim 35, the system of Claim 32, wherein Stephens discloses the caller information includes at least one of a caller telephone number (Fig. 7, 1304), a caller text description, a caller E-mail address, a caller login name, a caller network address, and a session identifier (col. 5, lines 4-46).

Regarding claim 36, the system of Claim 32, wherein Stephens discloses the called endpoint information includes at least one of a called telephone number, a called endpoint text description (Fig. 7, 1302), a called endpoint network address, a called endpoint E-mail address, and a called endpoint interactive voice response (IVR sequence) (col. 5, lines 4-14).

Regarding claim 37, the system of Claim 32, wherein Stephens discloses including a decoder to decode the called endpoint information to provide a called telephone number (col. 7, lines 38-67).

Regarding claim 38, the system of Claim 32, wherein Stephens discloses including a decoder to decode the caller information to provide a caller telephone number (col. 5, lines 4-41).

Regarding claim 39, the system of Claim 32, wherein Philonenko discloses the message includes at least one of an instant message and an E-mail (section 0090).

Regarding claim 40, the system of claim 32, wherein Philonenko discloses the called network device is associated with a calling center (i.e. communication center including agent's workstation or telephone; Fig. 1: 27, 29, 31, 39, 41, 37) (section 0063; 0138).

Regarding claim 41, the system of claim 40, wherein Philonenko discloses the calling center includes an interactive voice response (IVR) system and the server is further adapted to communicate an IVR sequence to the calling center (section 0093).

10. Claims 20-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Philonenko in view of Stephens.

Regarding claim 20, Philonenko discloses a method of arranging a telephone call (i.e. callback; section 0063; Fig. 2) to a calling center (i.e. communication center including agent's workstation or telephone; Fig. 1: 27, 29, 31, 39, 41, 37), comprising:
receiving, from the caller device (i.e. user's PC or mobile phone) (section 0045-0046; 0102), a text-based message (i.e. call back preference information) having caller information (i.e. user's callback preferences) associated with a caller network device (section 0102) and calling center information (i.e. calling an available agent) associated with the calling center (i.e. communication center including agent's workstation or telephone; Fig. 1: 27, 29, 31, 39, 41, 37) (section 0063; 0138), initiating an arrangement of the telephone call prior to an attempt to call

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the calling center in response to the text-based message, the arrangement being associated with a time to initiate the telephone call (section 0093; 0116; 0138);

 sending a first alerting signal (i.e. ringing to the caller) to the caller network device at the time associated with the arrangement and using the caller information (section 0093; 0138);
 detecting whether a first connection signal (i.e. calling party telephone available to establish call) is received from the caller network device;

 sending a second alerting signal to the calling center (i.e. agent's workstation or telephone) to be called at the time associated with the arrangement (section 0093; 0116; 0138) using the called endpoint information (section 0063; 0138), the network device to be called becoming a called network device in response to the second alerting signal being sent (section 0093);

 detecting whether a second connection signal (i.e. successful connection; off-hook from called device) is received from the called network device (section 0116);

and

 attempting to connect the caller network device to the calling center in response to the second connection signal (section 0093; 0116).

 Philonenko discloses sending a first alerting signal to the caller network device and sending a second alerting signal to the calling center. However, Philonenko does not disclose sending a first alerting signal to the calling center and sending a second alerting signal to the caller network device.

 Stephens discloses a method of arranging a telephone call (col. 3, line 29 – col. 4, line 61; col. 5, lines 1-57), comprising:

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receiving, from the local exchange processor, a text-based message (col. 5, lines 4-14) (i.e. receiving a message (Fig. 7: 1300) at trunk exchange in Fig. 1, 14a; col. 5, lines 25-28) having caller information associated with a caller network device (Fig. 1, 10a; col. 2, lines 47-58; i.e. DTMF phone) and called endpoint information associated with a network device (Fig. 1, 10b) to be called, initiating an arrangement of the telephone call (col. 5, lines 4-15) prior to an attempt to call the network device in response to receiving the text-based message, the arrangement being associated with a time to initiate the telephone call (col. 6, lines 9-20 and lines 31-33; col. 7, line 64 – col. 8, line 2); sending a first alerting signal (i.e. call attempt) to the network device to be called at the time associated with the arrangement (col. 6, lines 31-33; col. 7, line 64 – col. 8, line 2) using the called endpoint information (col. 8, line 49 – col. 10, line 23), the network device to be called becoming a called network device in response to the first alerting signal being sent (col. 8, lines 62-65);

detecting whether a first connection signal (i.e. successful connection; off-hook from called device when delivery attempt is made according to time indicated by calling party) is received from the called network device (col. 9, lines 39-45; col. 10, lines 32-44);

sending a second alerting signal (i.e. ringing to the caller) to the caller network device automatically by the server (i.e. speech processor; Fig. 1, 16) at the time included in the text-based message associated with the arrangement (i.e. time when called party successfully receives designated callback and delivery message is to be sent to calling party) (col. 6, lines 31-33; col. 7, line 64 – col. 8, line 2) and using the caller information (i.e. setting up a call to the calling party) (col. 9, line 49 – col. 10, line 19);

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detecting whether a second connection signal (i.e. successful call to the calling party telephone when called party wishes to call back the calling party after successful delivery attempt of initial voice message left by calling party to the called party occurs) is received from the caller network device (col. 9, line 66 – col. 10, line 19);

attempting to connect the called network device to the caller network device in response to the second connection signal (i.e. successful answering the call by calling party) (col. 9, line 66 – col. 10, line 19); and

sending at least one of an instant message (i.e. recorded message by called party) and an e-mail to the caller network device after attempting to connect the called network device to the caller network device (i.e. recording of a reply by the called party for later access by the calling party when calling party is unavailable) and in response to the first connection signal not being received from the called network device (i.e. wherein a callback is initiated and further delivery attempts are made if a delivery failure occurs at the called network device) (col. 9, line 66 – col. 10, line 19; col. 10, lines 32-45).

Again, Philonenko discloses the claimed method except Philonenko discloses sending a first alerting signal to the caller network device and sending a second alerting signal to the calling center rather than sending a first alerting signal to the calling center and sending a second alerting signal to the caller network device. However, the teaching in Stephens discloses sending a first alerting signal to the called party and sending a second alerting signal to the caller network device which when combined with Stephens clearly teaches the calling center or called party being alerted first of the telephone call.

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Philonenko to include sending a first alerting signal to the called party and sending a second alerting signal to the caller network device as taught by Stephens. In other words, one of ordinary skill in the art would have been lead to make such a modification of Philonenko to disclose sending a first alerting signal to the called party (i.e. calling center) and sending a second alerting signal to the caller network device, such as the order of alerting signals of Stephens to the method of Philonenko in order to determine whether the calling center which is the called party is free for a telephone call prior to connecting a caller to the call.

Regarding claim 21, the method of Claim 20, wherein Philonenko in view of Stephens discloses including: establishing a session; and recalling saved caller information based upon the session (Philonenko: section 0093; 0138; Stephens: col. 10, lines 24-37).

Regarding claim 22, the method of Claim 20, wherein Stephens discloses the caller information includes at least one of a caller telephone number (Fig. 7, 1304), a caller text description, a caller E-mail address, a caller login name, a caller network address, and a session identifier (col. 5, lines 4-14).

Regarding claim 23, the method of Claim 20, wherein Philonenko discloses the calling center information includes at least one of a called telephone number, a calling center text description (i.e. an available agent), a calling center E-mail address, and a calling center network address (section 0063).

Regarding claim 24, the method of Claim 20, wherein Philonenko in view of Stephens discloses including decoding the called party (i.e. calling center) information to provide a called party (i.e. calling center) telephone number (Stephens: col. 5, lines 4-41).

Regarding claim 25, the method of Claim 20, wherein Stephens discloses including decoding the caller information to provide a caller telephone number (col. 7, lines 38-55).

Regarding claim 26, the method of Claim 20, wherein Philonenko in view of Stephens discloses including retrieving a called party (i.e. calling center) telephone number associated with the called party (i.e. calling center) information (Stephens: col. 5, lines 4-41; col. 10, lines 58-64).

Regarding claim 28, the method of Claim 20, wherein Philonenko discloses the caller network device is selected from a telephone and an internet telephony device (Philonenko: user's PC or mobile phone; section 0045-0046; 0102) and the calling center is adapted to couple to at least one of the public switched telephone network (Fig. 1: 55) and a data network (Fig. 1, 61) (Philonenko: agent's workstation or telephone; Fig. 1: 27, 29, 31, 39, 41, 37; section 0041-0042; 0063; 0138).

Regarding claim 29, the method of Claim 20, wherein Philonenko discloses including: sending at least a portion of the calling center information to the calling center; receiving a calling center response having calling center knowledge in response to the portion of the calling center information; and connecting the caller network device to the calling center in response to the caller information and to the calling center knowledge (section 0093).

Regarding claim 30, the method of Claim 29, wherein Philonenko discloses the portion of the calling center information includes an interactive voice response system (IVR) sequence associated with an interactive voice response system (IVR) (section 0093).

Regarding claim 31, the method of Claim 29, wherein Philonenko discloses the calling center knowledge includes at least one of a calling center expected response time and a calling center queue value (section 0116).

Conclusion

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO-892 Form.

13. Any response to this action should be mailed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Art Unit: 2614

Or faxed to:

(571) 273-8300 (for formal communications intended for entry)

Or call:

(571) 272-2600 (for customer service assistance)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LISA HASHEM whose telephone number is (571)272-7542. The examiner can normally be reached on M-F 8:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2600.

14. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Lisa Hashem/
Examiner, Art Unit 2614
October 9, 2009

/Olisa Anwah/
Primary Examiner, Art Unit 2614